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PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

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Alexandria, VA 22313-1450

|                        |                  |
|------------------------|------------------|
| Application Number     | 09/971,954       |
| Filing Date            | 10/04/2001       |
| First Named Inventor   | Robert D. Glaser |
| Art Unit               | 2154             |
| Examiner Name          | Lin, Wen Tai     |
| Attorney Docket Number | 109905-136622    |

## This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Request to Change Attorney Docket Number

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. \_\_\_\_\_
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other A Fee Transmittal is enclosed in duplicate
- b. ☒ Check in the amount of \$ 928.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                      |                                   |            |
|-------------------|----------------------|-----------------------------------|------------|
| Name (Print/Type) | Jason K. Klindtworth | Registration No. (Attorney/Agent) | 47,211     |
| Signature         |                      | Date                              | 08/30/2004 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |                    |      |            |
|-------------------|--------------------|------|------------|
| Name (Print/Type) | Heather L. Adamson | Date | 08/30/2004 |
| Signature         |                    |      |            |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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09/03/2004 09971954 770.00 DP  
01 FC:1801 72.00 DP  
02 FC:1202 86.00 DP  
03 FC:1201



PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 928.00

**Complete if Known**

|                      |                  |
|----------------------|------------------|
| Application Number   | 09/971,954       |
| Filing Date          | 10/04/2001       |
| First Named Inventor | Robert D. Glaser |
| Examiner Name        | Lin, Wen Tai     |
| Art Unit             | 2154             |
| Attorney Docket No.  | 109905-136622    |

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

500393

Schwabe, Williamson et al

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid  |
|--------------|----------|--------------|----------|------------------------|-----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |           |
| 1001         | 770      | 2001         | 385      | Utility filing fee     |           |
| 1002         | 340      | 2002         | 170      | Design filing fee      |           |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |           |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |           |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |           |
| SUBTOTAL (1) |          |              |          |                        | (\$) 0.00 |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |    |         | Extra Claims |   | Fee from below | Fee Paid |
|--------------------|----|---------|--------------|---|----------------|----------|
| Total Claims       | 27 | 23      | 20** = 4     | x | 18             | 72       |
| Independent Claims | 6  | 3** = 1 |              | x | 86             | 86       |
| Multiple Dependent |    | 5       |              |   |                | 0        |

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid    |
|--------------|----------|--------------|----------|--|-------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |             |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |             |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                          |             |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |             |
| 1204         | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |             |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |             |
| SUBTOTAL (2) |          |              |          |  | (\$) 158.00 |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402     | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501     | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502     | 480      | 2502     | 240      | Design issue fee   |          |
| 1503     | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    | 770      |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 770.00

**SUBMITTED BY**

(Complete if applicable)

|                   |                      |                                   |            |           |              |
|-------------------|----------------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Jason K. Klindtworth | Registration No. (Attorney/Agent) | 47,211     | Telephone | 503-222-9981 |
| Signature         |                      | Date                              | 08/30/2004 |           |              |

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Attorney Docket No. 109905-136622

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|           |   |                 |   |   |
|-----------|---|-----------------|---|---|
| Applicant | : | Glaser et. al.  | ) | Group Art Unit 2154   |
|           |   |                 | ) |   |
| Appl. No. | : | 09/971,954      | ) | Confirmation No. 5632   |
|           |   |                 | ) |   |
| Filed     | : | October 4, 2001 | ) | <u>CERTIFICATE OF TRANSMISSION/MAILING</u>                          |
|           |   |                 | ) | I hereby certify that this correspondence is being facsimile        |
|           |   |                 | ) | transmitted to the USPTO or deposited with the United States        |
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|           |   | COMMUNICATION   | ) | envelope addressed to: Commissioner for Patents, PO Box 1450,       |
|           |   | SYSTEM          | ) | Alexandria, VA 22313-1450 on this date: <u>08/30/2004</u>           |
|           |   |                 | ) |   |
|           |   |                 | ) | Typed or Printed: <u>Heather L. Adamson</u>                         |
| Examiner  | : | Wen Tai Lin     | ) | Signature: <u><i>Heather L. Adamson</i></u> Date: <u>08/30/2004</u> |
|           |   |                 | ) |   |
|           |   |                 | ) |   |

AMENDMENT & RESPONSE

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 26, 2004, Applicant respectfully requests reconsideration of the above-captioned application in light of the following Amendments and Remarks.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks** begin on page 6 of this paper.